

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WALTER RUSYNIAK and ANTHONY
RUSYNIAK,

Plaintiff,

vs.

CIVIL NO. 5:07-cv-279 (GTS/RFT)

ENA PAOLA GENSINI, GUNILLA
DEMONTAIGU and CONCHA FUTURA, S.A.,

Defendants.

Appearances:

Of Counsel:

For Plaintiff:

Costello, Cooney Law Firm
205 South Salina Street
Syracuse, NY 13202

Shelly L. DiBenedetto, Esq.
Robert J. Smith, Esq.

For Defendant Ena Paola Gensini:

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One Lincoln Center
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Syracuse, NY 13202-1309

Victor J. Hershdorfer, Esq.

For Defendants DeMontaigu and Concha Futura

Hiscock, Barclay Law Firm
One Park Place
300 South State Street
Syracuse, NY 13202-2078

Robert A. Barrer, Esq.

Glenn T. Suddaby, U.S. District Judge

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

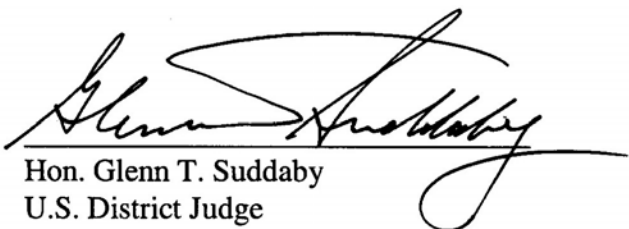
The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they

reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. It is therefore hereby

ORDERED that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within ninety (90) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the event that no request is made for reinstatement within ninety (90) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**; and it is further

ORDERED that the Clerk shall serve copies of this Judgment upon the attorneys for the parties appearing in this action.

Dated: March 5, 2010
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge